

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Polyak et al.	Art Unit :	1634
Serial No. :	10/550,162	Examiner :	Sitton, J. Souaya
Filed :	August 29, 2006	Conf. No. :	5286
Title :	GENE EXPRESSION IN BREAST CANCER		

**Mail Stop Amendment**

Commissioner for Patents

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**RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT**

**Restriction Requirement**

In response to the restriction requirement made in the action mailed March 26, 2009, Group 3 (claim 8) is elected for examination. Applicants provisionally elect the species of a gene encoding S100A7. The election with respect only to the species is made with traverse. Claim 8 reads on the group elected and the species provisionally elected. Applicants have amended claim 8 (see Preliminary Amendment below) to specify a gene (cathepsin K) that is not among those presently listed in claim 8 and have added dependent claims 78-80. Applicants respectfully request that the Examiner examine claim 8 as amended and new dependent claims 78-80 rather than the elected group and the provisionally elected species.

**CERTIFICATE OF MAILING BY EFS-WEB FILING**

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: May 26, 2009